

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**R. M-G, as parent and next friend for A.R.,
a minor child,**

Petitioner-Appellant,

v.

CIVIL NO. 1:13-cv-00350 KBM/KK

**LAS VEGAS CITY SCHOOLS and
THE BOARD OF EDUCATION FOR THE
LAS VEGAS CITY SCHOOLS,**

Respondent-Appellant.

ORDER FOR ENTRY OF PARTIAL FINAL JUDGMENT

This case is consolidated with two other cases: *A.R., through his mother and next friend, R.M-G, and R.M-G v. Las Vegas City Schools, et al.*, No. 1:13-CV-00720 KBM-KK, and *Las Vegas City Schools and Board of Education for the Las Vegas City Schools v. R.M-G, as parent and next friend of minor child A.R.*, No. 1:13-CV-00755 KBM-KK; however, each case is distinct. Cause No. 1:13-CV-00350 is Plaintiff-Appellee's appeal from the Due Process Hearing Officer's Final Decision in Due Process Hearing 1213-19. Cause No. 1:13-CV-00720 is a disability discrimination action filed by Plaintiff-Appellee against the School Board. Cause No. 1:13-CV-00755 is Defendant-Appellant's appeal from the Due Process Hearing Officer's Final Decision in Due Process Hearing 1213-36.

In accordance with the Tenth Circuit's decision in *Stockman's Water Co., LLC v. Vaca Partners, L.P.*, 425 F.3d 1263 (10th Cir. 2005), the Court expressly finds that there exists no "just reason to delay" appellate review of its July 10, 2015 Memorandum and Order [Doc. 133]. The only claim addressed in the Memorandum Opinion and Order is the amount of attorney's fees

awarded for the preparation and filing of Petitioner's Motion for Attorney's Fees Incurred in Fee Petition [Doc. 100].

Moreover, the nature of the attorney's fee claim addressed in the Memorandum Opinion and Order is such that no appellate court would have to decide the same issues more than once even if there were subsequent appeals. Plaintiff-Appellee's degree of success in the Memorandum Opinion and Order has no bearing on any issues in Cause No. 1:13-CV-00720 (a disability discrimination action filed by Plaintiff-Appellee against the School Board) or Cause No. 1:13-CV-00755 (Defendant-Appellant's appeal from the Due Process Hearing Officer's Final Decision in Due Process Hearing 1213-36).

Therefore, the Court supplements its July 10, 2015 Memorandum Opinion and Order [Doc. 133] with this order to clarify that its July 10, 2015 Memorandum Opinion and Order [Doc. 133] constitutes a final adjudication of the issues presented within the meaning of Fed.R.Civ.P. 54(b). In accordance with Fed.R.Civ.P. 54(b), the Court finds no just reason to delay an appeal of the rulings made in that Memorandum Opinion and Order. Pursuant to Fed.R.Civ.P. 58(a), this Court hereby enters a partial final judgment for attorney's fees under Rule 54 as set forth in the July 10, 2015 Memorandum Opinion and Order [Doc. 133].

It is so ordered.



THE HONORABLE KAREN B. MOLZEN

SUBMITTED:

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By: Electronically Submitted August 5, 2015
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